



Province of Alberta

INTERJURISDICTIONAL SUPPORT ORDERS ACT
MAINTENANCE ENFORCEMENT ACT

**INTERJURISDICTIONAL SUPPORT
ORDERS REGULATION**

Alberta Regulation 4/2003

With amendments up to and including Alberta Regulation 81/2016

Office Consolidation

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(Consolidated up to 81/2016)

ALBERTA REGULATION 4/2003

**Interjurisdictional Support Orders Act
Maintenance Enforcement Act**

INTERJURISDICTIONAL SUPPORT ORDERS REGULATION

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Support application

1 A claimant starting a process under section 5 of the Act that could result in a support order being made in a reciprocating jurisdiction must

- (a) include in the claimant's support application any information or documents required by the reciprocating jurisdiction,

- (b) file the original and 4 copies of the support application with the Alberta court, and
- (c) notify the designated authority immediately of any change in the address for service included in the support application.

Request for further information or documents

2(1) For the purposes of section 6(3) of the Act, on receiving a request for further information or documents from a reciprocating jurisdiction the claimant must, subject to subsection (2),

- (a) set out the information or documents as part of, or attached as exhibits to, a sworn document, and
- (b) within the time referred to in the request, file the original and 4 copies of the sworn document with the Alberta court.

(2) If the reciprocating jurisdiction requests that further information be provided by the claimant by video conference or by a conference telephone call and the courthouse located nearest to the claimant's residence is equipped to conduct a video conference or a conference telephone call, the claimant may provide the information in that manner instead of providing a sworn document under subsection (1).

Providing copies of order

3 For the purpose of section 6(4) of the Act, on receiving a certified copy of a support order from a reciprocating jurisdiction the designated authority must send a copy of the order and reasons, if any, to the claimant by regular mail addressed to the claimant's last known address or by any other means that the designated authority considers appropriate.

Notice of hearing

4(1) If the designated authority is required to serve a copy of a support application and a notice on the respondent under section 9(1) of the Act, the documents may be served personally or by regular or registered mail addressed to the respondent's last known address or in accordance with an order for service made by the Alberta court.

(2) The respondent must complete any forms served with the notice and provide the completed forms and any other information or documents requested by the designated authority in the notice to the Alberta court at the place and time set out in the notice.

Support order made in absence of respondent

5 If the Alberta court makes a support order in the absence of the respondent under section 14 of the Act, the Alberta court must send a copy of the support order to the respondent by regular or registered mail addressed to the respondent's last known address, or by any other means that the designated authority considers appropriate.

Receipt of order in Alberta

6 For the purposes of section 17(2) of the Act, on receiving a certified copy of an extra-provincial order or a foreign order the designated authority must file a copy of the order with the Alberta court.

Notice of registration of foreign order

7 If the designated authority is required under section 19 of the Act to notify a party to a foreign order of the registration of the order, the designated authority must serve notice by personal service or regular or registered mail addressed to the party's last known address.

Application to set aside registration of foreign order

8 For the purpose of subsection 19(2) of the Act, a party to a foreign order applying to the Alberta court to set aside the registration of the foreign order must

- (a) file in the Alberta court an application that sets out the grounds for the application and that names a date for the hearing of the application that is not later than 60 days after the date the applicant is filed, and
- (b) serve the application on the designated authority at least 20 days before the date set for hearing the application by serving it on the Director of Maintenance Enforcement personally or by regular mail or fax.

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Notice of decision or order

9 For the purpose of section 19(6) of the Act, the party who applies to set aside the registration of a foreign order must give notice of the decision or order of the Alberta court to

- (a) the designated authority by serving notice on the Director of Maintenance Enforcement personally or by regular mail or fax, and

- (b) the other party by sending notice by regular mail addressed to the party's last known address or by sending notice by regular mail to the appropriate authority in a reciprocating jurisdiction if
 - (i) the party resides in a reciprocating jurisdiction, and
 - (ii) an appropriate authority in that jurisdiction originally sent the foreign order to Alberta for registration.

Address for service of respondent

10 A respondent that has been served with a support application under section 9 of the Act shall, until the conclusion of the hearings on the matter, provide the designated authority with an address for service and shall inform the designated authority immediately of any change in the address for service.

Application to vary support order

11 An applicant starting a process under section 24 of the Act that could result in a support variation order being made in a reciprocating jurisdiction must

- (a) include any information or documents required by the reciprocating jurisdiction in the applicant's support variation application,
- (b) file the original and 4 copies of the support variation application with the Alberta court, and
- (c) after the support variation application is filed, notify the designated authority immediately of any change in the address for service included in the support variation application.

Request for further information or documents

12(1) For the purposes of section 25(3) of the Act, on receiving a request for further information or documents from a reciprocating jurisdiction the applicant must, subject to subsection (2),

- (a) set out the information or documents as part of, or attached as exhibits to, a sworn document, and
- (b) within the time referred to in the request, file the original and 4 copies of the sworn document with the Alberta court.

(2) If the reciprocating jurisdiction requests that further information be provided by the claimant by video conference or by

a conference telephone call and the courthouse located nearest to the claimant's residence is equipped to conduct a video conference or a conference telephone call, the claimant may provide the information in that manner instead of providing a sworn document under subsection (1).

Providing copies of order

13 For the purpose of subsection 25(4) of the Act, on receiving a certified copy of a support variation order from a reciprocating jurisdiction the designated authority must send a copy of the order and reasons, if any, to the applicant by regular mail addressed to the applicant's last known address or by any other means that the designated authority considers appropriate.

Notice of hearing

14(1) If the designated authority is required to serve a copy of a support variation application and a notice on the respondent under section 29(1) of the Act, the documents may be served personally or by regular or registered mail addressed to the respondent's last known address or in accordance with an order for service made by the Alberta court.

(2) The respondent must complete any forms served with the notice and provide the completed forms and any other information or documents requested by the designated authority in the notice to the Alberta court at the place and time set out in the notice.

Address for service of respondent

15 A respondent that has been served with a support variation application under section 29 of the Act shall, until the conclusion of the hearings on the matter, provide the designated authority with an address for service and shall inform the designated authority immediately of any change in the address for service.

Support variation order in absence of respondent

16 If the Alberta court makes a support variation order in the absence of the respondent under section 33 of the Act, the Alberta court must send a copy of the support order to the respondent by regular or registered mail addressed to the respondent's last known address, or by any other means that the designated authority considers appropriate.

Order or application expressed in foreign currency

17(1) For the purpose of section 41 of the Act, if a support order or an application received by the Alberta court refers to an amount

of support that is not expressed in Canadian currency, the designated authority must convert the amount into an amount expressed in Canadian currency by obtaining from a bank the rate of exchange applicable on one of the following days and applying that rate of exchange to the amount in the order:

- (a) the day the order was made;
- (b) if a rate of exchange is not available for the day referred to in clause (a), the day the order was registered for enforcement with the Director of Maintenance Enforcement.

(2) Notwithstanding subsection (1), if the designated authority receives a payment in foreign currency that is equal to the amount of support expressed in foreign currency on the support order or application, the designated authority may accept the payment.

Reciprocating jurisdictions

18 The jurisdictions named in the Schedule have laws in effect that are substantially similar to the *Interjurisdictional Support Orders Act*, and are declared to be reciprocating jurisdictions for the purposes of that Act.

Consequential amendment

19 The *Maintenance Enforcement Regulation (AR 2/86)* is amended by repealing section 2.2(1)(e) and substituting the following:

- (e) a reciprocating jurisdiction, as defined in the *Interjurisdictional Support Orders Act*, and

Repeal

20 The *Declaration of Reciprocating States Regulation (AR 192/2002)* is repealed.

Coming into force

21 This Regulation comes into force on the coming into force of the *Interjurisdictional Support Orders Act*.

Schedule

Reciprocating Jurisdictions

Bailiwick of Jersey;
Barbados;

in Canada the Northwest Territories, Nunavut, Yukon Territory and the Provinces of British Columbia, Manitoba, New Brunswick, Newfoundland and Labrador, Nova Scotia, Ontario, Prince Edward Island, Quebec, and Saskatchewan;
Commonwealth of Australia;
Czech Republic;
Federal Republic of Germany;
Independent State of Papua New Guinea;
Isle of Man;
Kingdom of Norway;
New Zealand;
Republic of Austria;
Republic of Poland;
Republic of Singapore;
Republic of South Africa;
Republic of the Fiji Islands;
Slovak Republic;
Swiss Confederation;
United Kingdom of Great Britain and Northern Ireland (including England, Northern Ireland, Scotland and Wales);
United States of America (including the fifty states, American Samoa, District of Columbia, Guam, Puerto Rico, United States Virgin Islands and any other jurisdiction of the United States participating in Title IV-D of the *Social Security Act* (U.S.A.)).

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